

ORDINANCE NO. 981210-C

AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN, CONSISTING OF APPROXIMATELY 22 ACRES OF LAND OUT OF THE HENRY RHODES SURVEY NO. 5 LOCATED IN WILLIAMSON COUNTY, TEXAS, (REFERRED TO AS THE POND SPRINGS MULTI-FAMILY AREA); AND APPROVING A SERVICE PLAN FOR THE ANNEXED TERRITORY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Council finds that:

- (1) notice of two public hearings concerning annexation of the territory described in Exhibit A was published in a newspaper of general circulation in the City of Austin and in the area to be annexed; and
- (2) the public hearings were held on November 5, 1998 at 7:00 p.m. and on November 19, 1998 at 6:30 p.m. in Council Chambers; and
- (3) the public hearings were concluded after providing an opportunity for all persons present to be heard with respect to the proposed annexation; and
- (4) the annexation, for full purposes of the territory described in Exhibit A serves the interests of the current and future residents of the City of Austin; and
- (5) the Service Plan attached to this ordinance as Exhibit B was made available and explained at the public hearings as required by state law; and
- (6) all procedural requirements imposed by state law for the annexation of the territory described in Exhibit A have been met.

PART 2. The present boundary limits of the City are amended to include the following territory which is within the extraterritorial jurisdiction and adjacent to the city limits of the City of Austin in Williamson County, Texas, and which is annexed into the City for full purposes:

22 acres of land, more or less, the same being out of and a part of the Henry Rhodes Survey No. 5 in Williamson County, Texas, which 22 acres of land, more or less, are to be taken into and made a part of the City of Austin, Texas, and which land is more particularly described in Exhibit A attached to this ordinance.

PART 3. The Service Plan attached as Exhibit B is approved as the Service Plan for the annexed area.

PART 4. The City Council declares that its purpose is to annex to the City of Austin every part of the area described in Exhibit A as provided in this ordinance, regardless of whether any other part of the described area is effectively annexed to the City. If this ordinance is held invalid as to any part of the area annexed to the City of Austin, that invalidity does not affect the effectiveness of this ordinance as to all of the remainder of the area.

If any area or lands included within the description of the area set out in Exhibit A are: (1) presently part of and included within the general limits of the City of Austin, (2) presently part of and included within the limits of any other city, town, or village, or (3) are not within the jurisdiction or power of the City of Austin to annex, then that area is excluded and excepted from the area annexed.

PART 5. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 6. This ordinance takes effect on December 31, 1998.

PASSED AND APPROVED

December 10, 1998.

§
§
§

Kirk Watson

Kirk Watson
Mayor

APPROVED:

Andrew Martin

ATTEST:

Betty G. Brown

Andrew Martin
City Attorney

Betty G. Brown
Deputy City Clerk

dmt

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EXHIBIT A

C7a-98-001

Area to be Annexed
(22 Acres of land
out of the Henry
Rhodes Survey No.5
in Williamson
County, Texas)
(Los Indios Addition
Section 1, unplatted
land, and portion of
Pond Springs Road)

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR 22 ACRES OF LAND,
MORE OR LESS, SAME BEING OUT OF AND A
PART OF THE HENRY RHODES SURVEY NO.5 IN
WILLIAMSON COUNTY, TEXAS, WHICH 22 ACRES
OF LAND, MORE OR LESS, ARE TO BE TAKEN
INTO AND MADE A PART OF THE CITY OF
AUSTIN, TRAVIS AND WILLIAMSON, COUNTIES,
TEXAS, SAID 22 ACRES OF LAND, MORE OR
LESS, BEING MORE PARTICULARLY DESCRIBED
AS FOLLOWS;

BEGINNING at the intersection of the present corporate
limit line of the City of Austin as adopted by an ordinance
dated December 18, 1997 (Case No.C7a-97-004), which line is
the west right-of-way line of Pond Springs Road, with the
proposed corporate limit line of the City of Austin, which
line is the south right of way line of Hunter's Chase Drive,
and which point of beginning is the most westerly corner of
the herein described tract of land;

THENCE, with the proposed corporate limit line of the
City of Austin, which line is the south right-of-way line of
Hunter's Chase Drive and its westerly prolongation of, in an
easterly direction to the most westerly corner of Lot 17,
Block K, Hunter's Chase Section Three a subdivision of
record in Cabinet E, Slide 243 of the Plat Records of
Williamson County, Texas, for the most northerly corner of
the herein described tract of land;

THENCE, with the proposed corporate limit line of the City of Austin, which line is the west line of said Lot 17, Block K, in a southerly direction to the most southerly corner of said Lot 17, Block K, for an interior ell corner of the herein described tract of land;

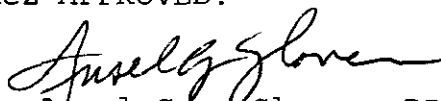
THENCE, with the proposed corporate limit line of the City of Austin, which line is the south line of said Lot 17, Block K, in an easterly direction to the most easterly northeast corner of the herein described tract of land, same being a point in the aforesaid present corporate limit line of the City of Austin as adopted by an ordinance dated December 18, 1997 (Case No.C7a-97-004);

THENCE, with the present corporate limit line of the City of Austin as adopted by an ordinance dated December 18, 1997, (Case No.C7a-97-004), in a southerly and westerly direction to the most southerly corner of the herein described tract of land, same being a point in the aforesaid west right-of-way line of Pond Springs Road;

THENCE, continuing with the present corporate limit line of the City of Austin as adopted by an ordinance dated December 18, 1997 (Case No.C7a-97-004), which line is the west right-of-way line of Pond Springs Road, in northerly direction to the point of beginning.

LEGAL DESCRIPTION: Al Martinez APPROVED:

09/10/98



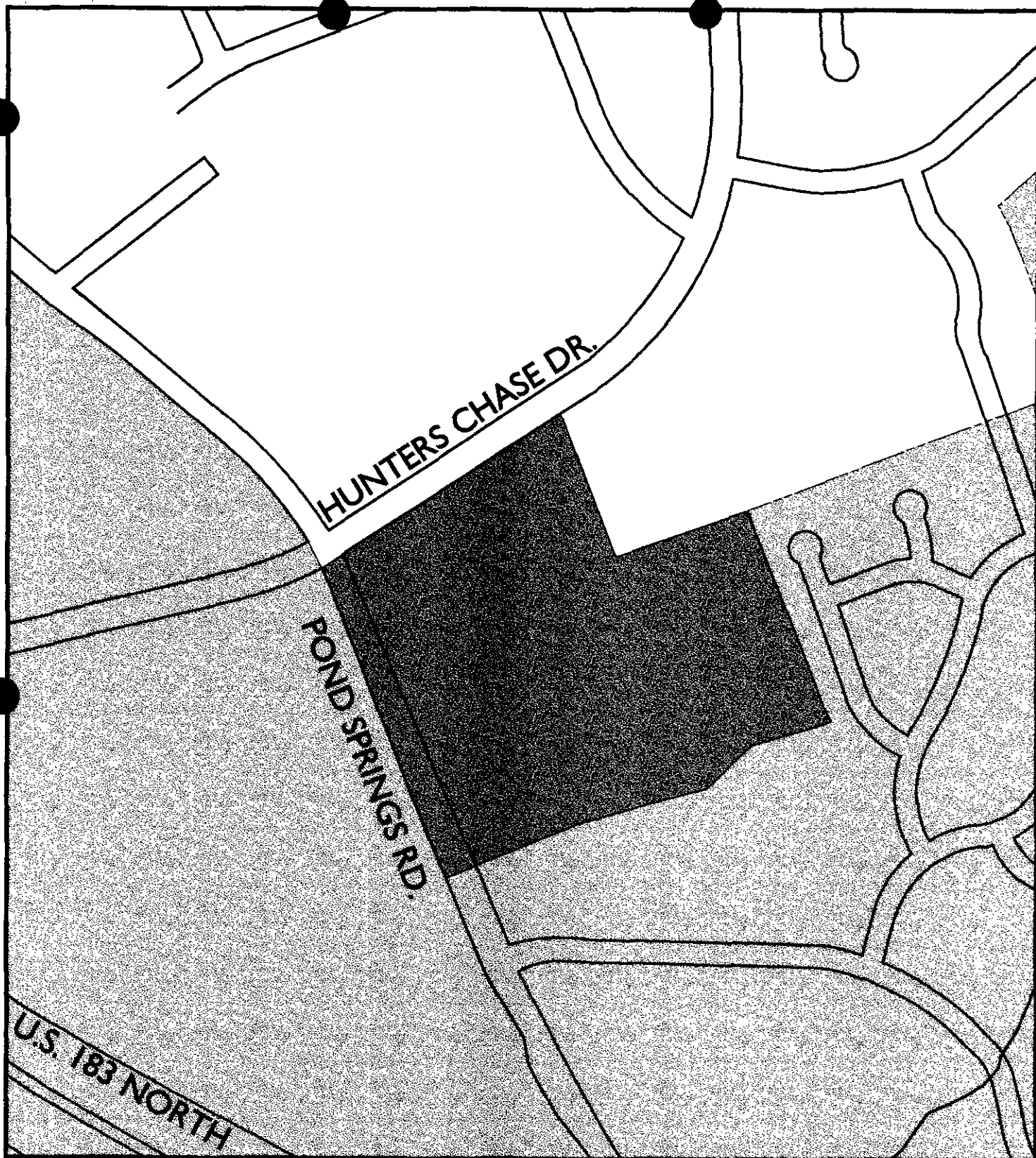
Ansel Gary Glover, RPLS NO.4783
Engineering Support Section
Infrastructure Support Services
City of Austin

REFERENCES

WCAD 4-8208

2-A-1694

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Pond Springs Multi-Family

C7a-98-001 Area to be Annexed

22 Acres of land out of the Henry Rhodes Survey No.5 in Williamson County, Texas)
(Los Indios Addition Section 1, unplatted land, and portion of Pond Springs Road)

981210-c



-  Existing Full Purpose City Limit
-  Proposed Annexation Area

EXHIBIT B

981210.C



CITY OF AUSTIN
ANNEXATION SERVICE PLAN

Case Name: Pond Springs Multi-Family
Case Number: C7a-98-001
Date: December 4, 1998

INTRODUCTION

This Service Plan ("Plan") is made by the City of Austin, Texas ("City") pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation to the City of a tract of land ("annexation area") known as the Pond Springs Multi-family Area, which includes areas generally located between Pond Springs Road on the west, Hunter's Chase Drive on the north, Hunter's Chase Section 3 and the existing City limits to the west and the existing City limits to the south. All areas in the annexation area are located in Williamson County, Texas. The annexation area is described by metes and bounds in Exhibit A which is attached to this Plan and to the annexation ordinance of which this Plan is a part. The annexation area is also shown on the map in Exhibit A.

EFFECTIVE TERM

This Plan shall be in effect for a ten year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council which refers to this Plan and specifically renews this Plan for a stated period of time.

INTENT

It is the intent of the City of Austin that services under this Plan shall provide full municipal services in accordance with State law.

The City reserves the right guaranteed to it by Section 43.056(h) Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable or obsolete or unlawful.

981210.2

SERVICE COMPONENTS

In General. This Plan includes three service components: (1) the Early Action Program, (2) Additional Services, and (3) a Capital Improvement Program.

As used in this Plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services by contract, in whole or in part. It may also include separate agreements with associations or similar entities.

1. EARLY ACTION PROGRAM

The following services will be provided in the annexation area within 60 days after the effective date of the annexation, unless otherwise noted.

a. Police Protection. The Austin Police Department ("APD") will provide protection and law enforcement services in the annexation area, commencing on the effective date of annexation. These services include:

- normal patrols and responses;
- handling of complaints and incident reports;
- special units, such as, traffic enforcement, criminal investigations, narcotics, gang suppression, and special weapons and tactics team.

b. Fire Protection. The Austin Fire Department ("AFD") will provide emergency and fire prevention services in the annexation area, commencing on the effective date of the annexation. These services include:

- fire suppression and rescue;
- emergency medical services first response for Austin Emergency Medical Services Department on life threatening medical emergencies;
- hazardous materials mitigation and regulation;
- emergency prevention and public education efforts;
- dive rescue;
- technical rescue;
- aircraft/rescue/firefighting;
- construction plan review;
- inspections;
- emergency management planning;
- rescue/hazardous materials unit.

Annexation Service Plan
Pond Springs Multi-family Tract
Page 3 of 9

These services are provided, on a City-wide basis, by over 900 employees operating from 36 emergency fire stations and other non-emergency sites. All Austin firefighters are certified by the Texas Fire Commission.

AFD will enter into a First Responder Fire and EMS Service Agreement with the Jollyville Volunteer Fire Department to serve this area.

Additionally, AFD will provide immediate service from AFD Station 38 located at 10904 Pickfair Drive. Fire personnel will be moved from the Pickfair station to a new AFD fire station to be located at Anderson Mill Road and Nene Drive (10111 Anderson Mill Road) when it has been constructed.

Service will also be provided to this area from AFD/EMS Station 34 located at 10041 Lake Creek Parkway

AFD serves as the first responder on life threatening medical emergencies for Austin EMS. All AFD personnel are certified at an Emergency Medical Technician ("EMT") level or higher. All pumpers, ladder trucks, and rescue units carry Automatic External Defibrillators for use with heart attack victims.

c. Solid Waste Collection. The Austin Solid Waste Services Department will provide solid waste collection services in the annexation area. This area is comprised vacant and multi-family properties. If necessary, services will be provided by City personnel or by private solid waste service providers under contract with the City. Services currently provided in the City for single family residences include:

- garbage collection - once per week cart collection in accordance with City pay-as-you-throw guidelines;
- recycling collection - once per week curbside recycling collection for residential customers, materials collected include newspaper, junk mail, tin and aluminum can, glass bottles and jars, plastic bottles (#1 and #2);
- yard waste collection - once per week residential yard trimmings collection in paper bags or reusable containers;
- street sweeping service - approximately 6 times per year for streets with curb and gutter;
- dead animal collection - dead animals are removed from roadways upon request;
- large and bulky material pickup - notice to customers is provided in advance of the pickup date.

Commercial garbage collection service for businesses and multi-family residences is available on a subscription basis from the City or private service providers.

d. Maintenance of Water and Wastewater Facilities. Water and wastewater services will continue to be provided through existing facilities located within the area. The facilities will be maintained and operated by the City's Water and Wastewater Utility as governed by standard

981210 - C

Annexation Service Plan
Pond Springs Multi-family Tract
Page 4 of 9

policies and procedures, and under the provisions of the attached City service extension policy. Residents will pay inside City water and wastewater rates.

If necessary, additional water and wastewater services will be provided through existing facilities located adjacent to the area.

The City has reviewed the area and does not believe there are any lots in the area that are served by septic tanks. However, if there are septic tanks, they are on large lots, in low population density areas. The City will not maintain private sewage (septic) systems.

e. Maintenance of Roads and Streets, Including Street Lighting. The Street and Bridge Division of the Transportation and Public Works Department will maintain public streets over which the City has jurisdiction. These services include:

- emergency pavement repair;
- ice and snow monitoring of major thoroughfares;
- repair and maintenance of public streets on as-needed basis.

Following annexation, public streets will be included in the City's preventive maintenance program. Preventive maintenance projects are prioritized on a City-wide basis and scheduled based on a variety of factors, including surface condition, rideability, age, traffic volume, functional class, and available funding. Any necessary rehabilitation or reconstruction will be considered on a City-wide priority basis.

The Transportation Division of the Transportation and Public Works Department will also provide regulatory signage services in the annexation area. Traffic signal, stop, and all other regulatory studies are conducted in conjunction with growth of traffic volumes. All regulatory signs and signals are installed when warranted following an engineering study. Faded, vandalized, or missing signs are replaced as needed. CALL BACK service provided 24 hours a day, 365 days a year for emergency sign repair.

For major arterials and collectors, the repainting of street markings is on a six to twelve month frequency. All improved intersections and roadways are striped upon improvement. All roadways are restriped and remarked as needed.

The City Electric Utility Department will maintain existing public street lights in the annexation area.

f. Maintenance of Parks, Playgrounds, and Swimming Pools. There are no public recreation facilities within the annexation area. Recreational facilities and area amenities, including parks, pools, and medians, that are privately owned, maintained or operated will be unaffected by the annexation.

g. Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Should the City

981210 - c

Annexation Service Plan
Pond Springs Multi-family Tract
Page 5 of 9

acquire any other facilities, buildings, or services necessary for municipal services located within the annexation area, an appropriate City department will provide maintenance services for them.

2. ADDITIONAL SERVICES

Certain services, in addition to the above services, will be provided within the annexation area. They are as follows:

a. Emergency Medical Service. The City Emergency Medical Services ("EMS") Department will provide EMS services to the annexation area. The closest EMS stations to this area are located at 10041 Lake Creek Parkway and 5228 Duval Road.

In January 1999, EMS plans on staffing another Advanced Life Support Ambulance at the temporary AFD/EMS station located at 10904 Pickfair Drive. EMS staff will be moved from the Pickfair station to a new station to be located at Anderson Mill Road and Nene Drive (10111 Anderson Mill Road) when it has been constructed.

AFD also provides emergency first response in the City for EMS on life threatening medical emergencies.

b. Drainage Utility. The Austin Drainage Utility will provide drainage maintenance services in the annexation area in accordance with City policy. Drainage maintenance in the City is a fee-based service. Services provided by the Drainage Utility include:

- detention and water quality pond maintenance (residential only);
- open waterway maintenance;
- storm sewer maintenance;
- watershed development review and inspection;
- emergency spills and pollution complaints response;
- storm sewer discharge pollution prevention (commercial only);
- water quality assessments for creeks;
- underground hazardous materials storage and leak prevention program;
- flood plain office (information relating to flood plains);
- flood early warning system;
- tree preservation review and inspection;
- commercial landscape review and inspection (commercial only).

c. Library Department. The residents of the annexation area will receive library services from the Austin Library Department. The nearest library to this annexation area is the Spicewood Springs Branch located at 8637 Spicewood Springs Road.

98/2/0 - C

**Annexation Service Plan
Pond Springs Multi-family Tract
Page 6 of 9**

d. Austin Health and Human Services Department/Travis County Health Department. The Austin Health and Human Services Department/Travis County Health Department will provide a wide range of services to this annexation area. Upon annexation, the following additional services will be available from the Department:

- inspection and complaint investigation of food business, child care facilities, and swimming pools;
- investigation of public health related complaints including water and air pollution, dumping on vacant property, solid waste disposal, unsanitary animal pens, standing water, open wells, and tall weeds and grass;
- private sewage facility inspection;
- animal control;
- access to community health clinics;
- Medical Assistance Program benefits;
- rodent control consultation.

d. Electric Utility Department. The Electric Utility Department will provide electric utility service to all areas which the City is authorized to serve by the Public Utility Commission of Texas.

f. Other Services. All other City Departments with jurisdiction in the area will provide services according to City policy and procedure.

3. CAPITAL IMPROVEMENTS PROGRAM

The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary. Any such construction or acquisition shall begin within two years of the effective date of the annexation and shall be substantially completed within 4 ½ years after that date.

Each component of the Capital Improvement Program is subject to the City providing the related service directly. In the event that the related service is provided through a contract service provider, the capital improvement may not be constructed or acquired by the City but may be provided by the contract provider. The City may also lease buildings in lieu of construction of any necessary buildings.

a. Police Protection. No capital improvements are necessary at this time to provide Police services.

b. Fire Protection. No capital improvements are necessary at this time to provide Fire services.

c. Emergency Medical Service. No capital improvements are necessary at this time to provide EMS services.

981210-C

**Annexation Service Plan
Pond Springs Multi-family Tract
Page 7 of 9**

d. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services.

e. Water and Wastewater Facilities. No capital improvements are necessary at this time to provide water or wastewater services.

Water and wastewater services to new subdivisions will be provided according to the standard policies and procedures of the Water and Wastewater Utility, which may require the developer of a new subdivision to install water and wastewater lines. The extension of water and sewer service will be provided in accordance with the attached water and wastewater service extension policy.

f. Roads and Streets. No road or street related capital improvements are necessary at this time. In general, the City will acquire control of all public roads and jurisdiction in, over and under all public roads and public streets within the annexation area upon annexation. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices, will be governed by the City's standard policies and procedures.

g. Parks, Playgrounds and Swimming Pools. No capital improvements are necessary at this time to provide services.

h. Drainage Utility. No capital improvements are necessary at this time to provide services.

i. Street Lighting. It is anticipated that the developer of new subdivisions in the area will install public street lighting in accordance with the City's standard policies and procedures. In other cases, the City will install public street lighting in the annexation area upon request, with priority given to street lighting for traffic safety. Provision of street lighting will be in accordance with the City's street lighting policies.

j. Other Publicly Owned Facilities, Building or Services: Additional Services. In general, other City functions and services, and the additional services described above can be provided for the annexation area by using existing capital improvements. Additional capital improvements are not necessary to provide City services.

k. Capital Improvements Planning. The annexation area will be included with other territory in connection with planning for new or expanded facilities, functions, and services.

AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

981210-c

FORCE MAJEURE

In case of an emergency, such as force majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the annexation area for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the annexation area of the level described in this Plan as soon as possible. Force Majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute Force Majeure for purposes of this Plan.

SUMMARY OF THE WATER AND WASTEWATER UTILITY SERVICE EXTENSION POLICY (1997)

The following information is a summary of the Water and Wastewater Utility Service Extension Policy, Chapters 13-1 through 13-3 of the 1992 Austin City Code, in conformance with the Texas Local Government Code requirement that the Plan have a summary of the service extension policy.

Generally, water and wastewater service is only provided to lots that have been properly subdivided and platted or are a legal lot. For property that is required by subdivision regulations to construct water or wastewater facilities connecting to the City system, funding and construction of those facilities will remain the responsibility of the developer. If the specific undeveloped property does not have City water or wastewater service fronting the property, the owner may make an application for an extension of service to the Director of the Water and Wastewater Utility for review. If the Director determines that adequate capacity is available, or will be, and if the project does not include City cost participation or reimbursement, and if the proposed facilities are a logical extension of the City's Water and Wastewater System and the requested extension otherwise meets the requirements of Chapter 13-3, the extension size, capacity, and routing may be approved by the Director for funding and construction by the developer.

Depending on the size of the new facilities and other conditions, with City Council approval, the City may reimburse the developer for part of the cost of constructing certain facilities. With City Council approval, the City may cost participate by reimbursing costs associated with the oversize capacity of wastewater mains larger than 8 inches in diameter but less than 18 inches, and of water mains greater than 12 inches but less than 24 inches in diameter. With City Council approval, the City may reimburse to the developer the construction cost of the full capacity of wastewater facilities 18 inches in diameter or larger, and water facilities 24 inches in diameter or larger, as well as other facilities such as reservoirs or pumps. The actual calculation of the cost participation and reimbursement amounts, including limits and the schedules for the payments, are included in the Land Development Code.

981210-C

Annexation Service Plan
Pond Springs Multi-family Tract
Page 9 of 9

For lots that have water or wastewater lines in the street fronting the lot, the owner may receive water or wastewater service by applying for a tap permit and paying any required fees. The new customers will be required to pay the impact fees and all connection fees. However, if the tap is purchased within two years of the completion of the line by the City, the impact fee will be waived.

As long as a property is using a septic system, the property owner remains responsible for the operation and maintenance of the septic system. If the septic system fails before the City sewer service is extended to the property, the property owner must repair the system. Under certain circumstances the Austin Health and Human Services Department/Travis County Health Department may require connection to the City sewer facilities.

This policy is set by the City Council and can be amended in the future by ordinance.

981210-c